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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,494	12/17/2003	Koichiro Mitsui	2038-318	6145
7590 03/15/2006				
LOWE HAUPTMAN GILMAN & BERNER, LLP 1700 Diagonal Road, Suite 310 Alexandria, VA 22314			EXAMINER CRAIG, PAULA L	
			ART UNIT	PAPER NUMBER
			3761	
DATE MAILED: 03/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/736,494

Applicant(s)

MITSUI ET AL.

Examiner

Paula L. Craig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,3,5 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,3,5 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The indicated allowability of Claims 2, 3, 5, and 12-15 is withdrawn in view of the newly discovered reference to Harris. Rejections based on the newly cited reference follow. The finality of the action mailed December 7, 2005 is withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 2, 3, 5, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0173018 to Harris in view of U.S. Patent No. 4,891,258 to Fahrenkrug.

4. For Claims 2, 3, 5, and 12-15, Harris teaches a disposable wearing article (paragraph 14). The article has at least a pair of sheets (paragraph 14). Harris teaches adhesive lines permanently bonding at least two of the sheets together (Figs. 7-11 and paragraphs 14, 16, and 33). The adhesive lines are applied on at least one surface of the sheets and continuously extend in a given direction (Figs. 7-11 and paragraph 10). Each of the adhesive lines has first zones and second zones alternately arranged along the adhesive line, with each of the first zones containing a greater amount of adhesive material than each of the second zones, and the first zones distributed along the respective adhesive lines at regular intervals (Figs. 7-11 and paragraph 10). For Claim

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2; Harris teaches a quantity of adhesive material per unit length of 0.0001 to 0.0045 g/cm and 0.00003 to 0.0008 g/cm (paragraph 37). Harris teaches the quantity of adhesive material per unit length of the first zones being at least three or more times larger than the quantity of adhesive material per unit length of the second zones (Figs. 8-8A and 10-11, and paragraphs 10, 12, and 42-43; Harris teaches that the second zones may be stretched to thin them out relative to the first zones). For Claim 3, Harris teaches each of the first zones including at least three layers of the adhesive material placed one upon another in a thickness direction of the article and each of the second zones including a single layer of the adhesive material (Figs. 8-8A and 10-11, and paragraphs 10, 12, and 42-43). For Claim 5, Harris teaches the width of each first zone being three or more times greater than the width of the second zone (Figs. 8-8A and 10-11). Harris teaches the first zones being wide enough for the adhesive to flow around all sides of the elastic strand (paragraph 11). For Claim 12, Harris teaches the adhesive lines being straight, parallel lines (paragraph 13). For Claim 13, Harris teaches the adhesive lines being non-intersecting and each of the adhesive lines not intersecting itself (paragraphs 10, 15, 40, and 42-43). For Claim 14, Harris teaches the adhesive lines having intersections at which the first zones are not located (paragraph 15). For Claim 15, Harris teaches at least one of the adhesive lines being a spiral line which intersects itself at a plurality of intersections, and at least one of the first zones on the spiral lines is not located at the intersections (paragraph 15).

5. For Claims 2, 3, 5, and 12-15, Harris does not expressly teach an absorbent core between the sheets. For Claim 5, Harris does not expressly teach the widths of the first

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or the second zone being 0.01 to 3 mm or 0.003 to 0.5 mm. For Claims 2, 3, 5, and 12-15, however, an absorbent core is well known in the art of absorbent articles.

Fahrenkrug confirms this and teaches an absorbent article having an absorbent core between a pair of sheets (absorbent assembly, Figs. 1-13 and col. 3, lines 12-26). The absorbent core of Fahrenkrug is stretchable and provides improved capacity and liquid-handling ability (col. 3, line 20 to col. 4, line 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harris to include an absorbent core between the sheets, to provide improved capacity and liquid-handling ability. For Claim 5, the width of the first and second zones is a result effective variable, since it affects the ability of the adhesive to flow around the elastic strand. The discovery of an optimum value of a result effective variable is ordinarily within the ordinary skill in the art. See *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571) 272-5964. The examiner can normally be reached on 8:30AM-5:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paula L Craig  
Examiner  
Art Unit 3761

PLC

TATYANA ZALUKAEVA  
SUPERVISORY PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read 'Tatyana', is written over the printed name and title of the Supervisory Primary Examiner.